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Attorney Docket No.: 40108/00101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Steven BECHHOFFER et al.

Serial No.: 09/680,923

Filed: October 6, 2000

For: A SYSTEM AND METHOD  
FOR MANAGING RISK AND  
OPPORTUNITY

Group Art Unit: 3623

Examiner: Suzanna M. Meinecke Diaz

Board of Patent Appeals and  
InterferencesMail Stop: Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed on October 13, 2006 and pursuant to 37 C.F.R. § 41.37, Appellants present their appeal brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's rejection of claims 2-20, the claims having been, at least, twice rejected. The appealed claims are set forth in the attached Claims Appendix.

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1. Real Party in Interest

This application is assigned to Qimonda AG, the real party in interest.

2. Related Appeals and Interferences

There are no other appeals or interferences which would directly affect, be directly affected, or have a bearing on the instant appeal.

3. Status of the Claims

Claims 2-20 have been rejected. Claim 1 has been cancelled. The rejections of claims 2-20 are being appealed.

4. Status of Amendments

All amendments submitted by Appellants have been entered.

5. Summary of Claimed Subject Matter

The present invention, recited in an independent claim 15, relates to a computer readable storage medium storing a set of instructions and processor for executing the instructions, the instructions projecting a future condition of a business entity. (*See Specification*, p. 16, ll. 21-24). Specifically, in a first step 150, the set of instructions identify risks and opportunities for the business entity. (*See Fig. 7*) The instructions then evaluate the potential monetary impact of the risks and opportunities at predetermined times. (*See Specification*, p. 12, l. 26 – p. 13, ll. 9, 24 – 30; *Fig. 2, Fig. 3*). The risk evaluating step 160 determines at each of the predetermined times for each risk and/or opportunity, one of a probability (*See Fig. 5*) that the risk and/or opportunity will occur during a predetermined period of time and a frequency at which the risk and/or opportunity will occur (*See Specification*, p. 13, ll. 4 – 9, p. 14, ll. 3 – 7, *Fig. 3*). The future condition of the business entity is projected based on monetary values of each risk and opportunity determined from the corresponding probability and frequency (*See Specification*, p. 13, ll. 4 – 9, 11 – 30).

The present invention, recited in an independent claim 10, relates to a system for projecting a future condition of a business entity. Specifically, a first storage means receives and

stores data corresponding to risks and opportunities for the business entity at predetermined times via, for example, the process described in Fig. 8. (See *Specification*, p. 16, ll. 18-29; Fig. 8). A second storage means receives and stores data corresponding to potential monetary impacts corresponding to the risks and opportunities. (See *Specification*, p. 13, ll. 14 – 15, p. 16, ll. 25 – 27). The system also includes a first input means that receives at each of the predetermined times data corresponding to the frequency of an opportunity's occurrence and the probability that the opportunity will occur during a predetermined time period. (See *Specification*, p. 12, ll. 27 – 30). The system also includes a second input means receives, at each of the predetermined times, data corresponding to risk frequency and probability of occurrence. (See *Id.*). The system then has a calculation means to calculate a future condition of the business entity based on the monetary impacts, frequencies and probabilities of the risks and opportunities inputted into the system (Step 410). (See *Specification*, p. 17, ll. 7 – 27; Fig. 8).

The present invention, as recited in independent claim 17, also relate to a computer readable storage medium storing a set of instructions and processor for executing the instructions, the instructions projecting a future condition of a business entity. (See *Specification*, p. 13, ll. 14 - 24). The set of instructions determine at each of the predetermined times the probability that the risk/opportunity will occur during a predetermined period of time and a frequency at which the risk/opportunity will occur. (See *Specification*, p. 13, ll. 2 – 9; Fig. 5). Finally, the set of instructions projects the future condition of the business entity at each of the predetermined times based on a monetary value that results from the potential monetary impact of each risk/opportunity and the corresponding frequency and probability associated with each risk/opportunity. (See *Specification*, p. 13, 24 – 30; Fig. 8).

6. Grounds of Rejection to be Reviewed on Appeal

Whether claims 2-20 are unpatentable under 35 U.S.C. § 103(a) Daniell, Mark Haynes, "Strategy and Volatility: Risk and Global Strategic Challenge," April, 2000 (hereinafter "Daniell").

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7. Argument

I. The Rejection of Claims 2-20 Under 35 U.S.C. § 103(a) as Being Obvious Over Daniell Should Be Reversed.

A. The Examiner's Rejection

In the Office Action, the Examiner rejected claims 2-20 under 35 U.S.C. § 103(a) as being unpatentable over Daniell. In the Final Office, the Examiner purports to show how each recitation of the rejected claims is disclosed by Daniell. However, a review of the rejection shows that the Examiner, when reciting the claims, has selectively removed certain recitations from the claim. For example, when rejecting claim 15, the Examiner cites the recitation in the Final Office Action as "evaluating at predetermined times a potential impact of each of the risks and each of the opportunities on the future condition of the business entity." (*See 7/14/2006 Final Office Action*, p. 5). Whereas, the actual recitation of claim 15 is "evaluating at predetermined times a potential monetary impact of each of the risks and each of the opportunities on the future condition of the business." (emphasis added). A review of the rejection will show that this practice is not limited to this single recitation, but is repeated throughout the rejection. The Examiner then uses a catch-all Official Notice section to purportedly show that the recitations that were selectively left out of the analysis of the prior art were well known in the art. (*See 7/14/2006 Final Office Action*, pp. 6-13). However, even in these sections, the Examiner does not fully address each of the recitations of the rejected claims. These rejections, which Applicants believe to be improper, will be discussed in greater detail below.

Daniell generally describes a strategy to capture and process related elements of risk and opportunity. Specifically, the strategy states that a "set of risks and opportunities *needs* to be broken down into elements which constitute the full nature of the net risk or opportunity created." (*See Daniell*, ¶ 11)(emphasis added). These four elements of the disclosed strategy for evaluating risk are: 1) scale of potential harm, 2) likelihood of occurrence, 3) capability to respond, and 4) probability of effective deployment of that capability. (*See Id.*, ¶ 12). The first two elements compose the "risk eventuation," wherein the scale of potential harm is adjusted for

the probability of the risk occurring. (*See Id.*, ¶ 14). The second two elements are used to calculate the potential response impact and are composed of capability to respond and the probability of response capability being deployed effectively and on a timely basis. (*See Id.*, ¶ 24). Thus, each of the four elements of this strategy compose an operable function to determine the overall net risk inherent in a complex system. (*See Id.*, ¶ 27). Accordingly, any variation in the inputs for each of the four elements will result in changing the net risk assessment. (*See Id.*).

The strategy according to Daniell applies a similar approach for calculating net opportunity, wherein the value of the opportunity and likelihood of occurrence make up the "content element," and the capability to capture the opportunity and probability of effective deployment make of the "capability element." (*See Id.*, ¶ 29). Just as for risk assessment, each of the four elements of this strategy compose an operable function that is combined to create a net opportunity assessment, summing up the fully adjusted value of the opportunity. (*See Id.*, ¶ 35). Daniell further states that for "any function which operates as the risk and opportunity calculus, that nil value at any stage - content, capability, or probability reduces the entire calculus to zero automatically." (*See Id.*, ¶ 36). This reaffirms the initial statement in which Daniell's strategy for evaluating risks and opportunities *needs* to be broken down into the four elements. A zero-value in any of the four elements or the absence of any of the four elements will prevent this strategy from generating a result for either risk calculation or opportunity calculation. Consequently, if any one of the four elements, for either risk calculus or opportunity calculus, are not taken into account, the strategy described in Daniell would be unable to provide a strategic solution to a set of risks and opportunities within a system.

In addition, Daniell continues that the strategy for calculating risk and opportunity is "not sufficient" with simply the two aforementioned equations. (*See Id.*, ¶ 37). In order for the strategy to be thorough and effective, the strategy must include a visionary element, a structure element, and a motivation and leadership element in addition to the initial four elements. (*See Id.*). Therefore Daniell describes a strategy for assessing risks and opportunities which not only requires a "content element" and a "capability element," but these elements must also be "fully diagnosed and integrated into a best practice strategy model that combines vision, strategic content, organizational capability, and the strategy process into a unified whole." (*See Id.*).

B. Daniell Neither Teaches Nor Suggests "Evaluating at Predetermined Times a Potential Monetary Impact of Each of the Risks and Each of the Opportunities on the Future Condition of the Business Entity" as Recited in Claim 15

As described above, the Examiner admits that Daniell does not teach the recitation of "evaluating at predetermined times a potential *monetary* impact of each of the risks and each of the opportunities on the future condition of the business." The Examiner completely leaves the recitation of monetary impact out of the analysis when discussing Daniell. The Examiner states that Daniell discusses risk in relation to the financial world including issuer-risk, interest rate risk, etc. (See 7/14/2006 Final Office Action, p. 6). The Examiner goes on to state that "[w]hile Daniell does not expressly define a monetary value or impact in relation to each of the risks and opportunities, the Examiner submits that it is old and well-known in the art of financial risk management to calculate risk in terms of a monetary value and impact." (See *Id.*, pp. 6-7).

Initially, the Applicants point out that Daniell does not discuss the financial risks cited by the Examiner with respect to an impact of these risks, but rather from a probability standpoint of the risks occurring based on a crude scale of high, medium and low. (See *Daniell*, ¶ 15). With respect to the potential impact of risks, Daniell also discusses these in terms of generalities, e.g., "from the overwhelming to the negligible." (See *Id.*, ¶ 13). Thus, Applicants fail to see how the Examiner can make the logical leap through Official Notice from "overwhelming to negligible" to monetary impact as recited in claim 15. With respect to opportunities, the only discussion in Daniell is that there are "highly valuable" opportunities and "less valuable" opportunities. (See *Id.*, ¶ 31). There is absolutely no teaching or suggestion that one could evaluate, assign or assess a potential monetary impact of these opportunities. Daniell makes no suggestion that risks or opportunities should be monetized. Daniell simply does not teach or suggest the monetization of risks and opportunities.

The Examiner seeming to recognize this deficiency takes Official Notice as described above. The Examiner, in the Final Office Action, attempted to find some references supporting this Official Notice. (See 7/14/2006 Final Office Action, p. 3). The Examiner provided Graham et al., "How Much Capital is Enough?" Credit Union Management, vol. 18, no. 2, pp. 42-46, February 1995 (hereinafter referred to as "Graham") and Barton et al.,

US2002/0059093 (hereinafter referred to as "Barton"). (*Id.*) However, an article from an obscure journal ("Credit Union Management") and a U.S. Patent Publication that was filed and published after the filing date of the present application does not support the Examiner's contention that something is "old and well-known." Thus, Applicants renew their objection to the Examiner's use of Official Notice without sufficiently supporting the contention and meeting the requisite burden of proof under MPEP § 2144.03 (C) because the prior art references cited as evidence fail to support the Official Notice which in turn fails to make out a prima facie case of obviousness under §103(a).

Moreover, the references cited by the Examiner to support the Official Notice contention do not even teach what the Examiner purports. Applicants respectfully submit that both Graham and Barton fail to support the Examiner's Official Notice that it is old and well known in the art of financial risk management to calculate risk *and opportunity* in terms of monetary value and impact. Neither Graham nor Barton ever mention the word opportunity or any other analogous terms or how one would monetize such opportunities. Daniell, Graham and Barton are completely devoid of any teaching or suggestion that opportunities could be monetized. Thus, Graham and Barton could not possibly support Official Notice for the concept of monetizing opportunities.

Accordingly, Daniell neither teaches nor suggests "evaluating at predetermined times a potential monetary impact of each of the risks and each of the opportunities on the future condition of the business entity" as recited in claim 15. The Official Notice taken by the Examiner is insufficient to establish a prima facie case of obviousness and the references cited by the Examiner to support the Official Notice do not even stand for the proposition the Examiner is attempting to support. Thus, Applicants respectfully request that the rejection of claim 15 and all claims depending therefrom (claims 2-9 and 16) be overturned.

Independent claim 10 recites "a second storage means for receiving and storing data at each of the predetermined times, wherein the data corresponds to a potential monetary impact on the future condition of the business entity of each of the risks and opportunities stored in the first storage means." Thus, for the same reasons described above with respect to claim 15, the Applicants respectfully request that the rejection of claim 10 and all claims depending therefrom (11-14) be overturned.

Independent claim 17 recites “evaluating at predetermined times a potential monetary impact of each of the risks and each of the opportunities on the future condition of the business entity.” Thus, for the same reasons described above with respect to claim 15, the Applicants respectfully request that the rejection of claim 17 and all claims depending therefrom (18-20) be overturned.

C. Daniell Neither Teaches Nor Suggests “Projecting at Each of the Predetermined Times the Future Condition of the Business Entity Based on a Monetary Value of Each of the Risks and Opportunities, Wherein the Monetary Value for Each of the Risks and Opportunities is Determined Based on the Potential Monetary Impact and the Corresponding one of Frequency and Probability” As Recited in Claim 15

As described above, Daniell “needs” to break down a set of risks into the four elements of “scale of potential harm, likelihood of occurrence capability to respond, and probability of effective deployment of that capability” in order to produce a result. (*See Daniell*, ¶¶ 11,12). In the event that any one of these four elements is not taken into account or has a nil value, the strategy according to Daniell “reduces the entire calculus to zero automatically.” (*See Id.*, ¶ 36).

Applicants respectfully submit that the strategy described in Daniell is inferior and limited in its application when compared to the recitations in claim 15 of the present invention. The present invention operates without the need to analyze the four required elements disclosed by Daniell. For example, the method of claim 15 neither needs nor recites the “capability to respond” and “probability of effective deployment of that capability” required by Daniell. The invention as recited in claim 15 is operable without these required elements of Daniell. In contrast, Daniell is inoperable. Daniell cannot project a future condition of a business entity without these required elements. If one were to use the approach of Daniell as the Examiner attempts to apply these teachings to the recitations of claim 15, the result of the analysis for every risk would be zero. This would not be useful in projecting the future condition of the business entity because the net sum of the risks would always be zero (or some number that cannot be calculated because a required variable is missing). Thus, Daniell neither teaches nor suggests “projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities” as recited in claim 15.



The above analysis did not even consider that the recitation of claim 15 states that the projecting is based on a "monetary value" and that Daniell, as described above, never suggests that risks or opportunities could be monetized. Thus, Daniell is fatally flawed with respect to this recitation in at least two manners: a) Daniell does not teach or suggest the recitation as read by the Examiner (*i.e.*, with the missing words); and; b) Daniell does not teach or suggest the actual recitation.

The Examiner again attempts to cure the deficiency of Daniell with respect to monetizing risks and opportunities using the Official Notice described above. The Official Notice in this case is deficient for the same reasons as described above. In addition, claim 15 specifically recites that the "monetary value for each of the risks and opportunities is determined based on the potential monetary impact and the corresponding one of frequency and probability." While the Examiner contends that it is "old and well known" to calculate risk in terms of monetary value, the Examiner never makes a contention that this monetary value is based on the recited factors. None of Daniell, Graham or Barton state that a monetary value for risk (or opportunity) can be determined based on the potential monetary impact of the risk and a corresponding probability and frequency. This recitation is never suggested by any of the references cited by the Examiner. Accordingly, Applicants respectfully submit that Daniell neither teaches nor suggests determining a "monetary value for each of the risks and opportunities is determined based on the potential monetary impact and the corresponding one of frequency and probability" as recited in claim 15.

Similarly to the risks described above, Daniell needs to break down opportunities into "four *interdependent* parts." (*See Daniell*, ¶ 29)(emphasis added). Just as with the risk calculus, Daniell indicates that a nil value for any of these opportunity factors will result in a zero result. (*See Id.*, ¶ 36). Again, the present invention operates without the need to analyze the four required elements disclosed by Daniell.

Accordingly, Daniell neither teaches nor suggests "projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities, wherein the monetary value for each of the risks and opportunities is determined based on the potential monetary impact and the corresponding one of frequency and probability" as recited in claim 15. The Official Notice taken by the Examiner is

insufficient to establish a prima facie case of obviousness and the references cited by the Examiner to support the Official Notice do not even stand for the proposition the Examiner is attempting to support. Thus, Applicants respectfully request that the rejection of claim 15 and all claims depending therefrom (claims 2-9 and 16) be overturned.

Independent claim 10 recites "a calculation means for projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities stored in the first storage means, wherein the monetary value is a function of the potential monetary impact and the one of frequency and probability for each of the risks and opportunities from the first and second input means." Thus, for the same reasons described above with respect to claim 15, the Applicants respectfully request that the rejection of claim 10 and all claims depending therefrom (11-14) be overturned.

Independent claim 17 recites "projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities, wherein the monetary value for each of the risks and opportunities is determined based on the potential monetary impact and the corresponding one of frequency and probability." Thus, for the same reasons described above with respect to claim 15, the Applicants respectfully request that the rejection of claim 17 and all claims depending therefrom (18-20) be overturned.

- D. Daniell Neither Teaches Nor Suggests "Determining at each of the Predetermined Times for each of the Risks, one of a Probability that the Risk will Occur During a Predetermined Period of Time and a Frequency at which the Risk will Occur and Determining at each of the Predetermined Times for each of the Opportunities, one of a Probability that the Opportunity will Occur during a Predetermined Period of Time and a Frequency at which the Opportunity will Occur" As Recited in Claim 15

The Examiner contends that Daniell teaches each of these limitations. (See 7/14/2006 Final Office Action, p. 5). The Applicants respectfully disagree. The plain language of claim 15 recites that for each of risks and opportunities either a "probability that the risk [or opportunity] will occur" or a "frequency at which the risk [or opportunity] will occur" is determined. Initially, Daniell never teaches or suggests determining a frequency at which a risk or opportunity will occur. There is simply no mention of frequency or any quantity for a risk or opportunity occurring in Daniell. Thus, Applicants believe the Examiner must be referring to the

probability portion of the recitation when purporting to show Daniell teaches these recitations.

However, the recitation in each of these claims elements states that a “probability that the risk [or opportunity] will occur during a predetermined period of time” is determined. Daniell never mentions a time component with respect to probabilities. The claim language recites that the probability is based on the risk or opportunity occurring within a predetermined time period. Daniell never teaches or suggests that the probability should have a temporal component. Daniell is silent with respect to time.

Accordingly, Daniell neither teaches nor suggests “determining at each of the predetermined times for each of the risks, one of a probability that the risk will occur during a predetermined period of time and a frequency at which the risk will occur” and “determining at each of the predetermined times for each of the opportunities, one of a probability that the opportunity will occur during a predetermined period of time and a frequency at which the opportunity will occur” as recited in claim 15. Thus, Applicants respectfully request that the rejection of claim 15 and all claims depending therefrom (claims 2-9 and 16) be overturned.

Independent claim 10 recites “a first input means for receiving at each of the predetermined times, for each opportunity stored in the first storage means, data corresponding to one of a probability that the opportunity will occur during a predetermined period of time and a frequency at which the opportunity will occur” and “a second input means for receiving at each of the predetermined times, for each risk stored in the first storage means, data corresponding to one of a probability that the risk will occur during a predetermined period of time and a frequency at which the risk will occur.” Thus, for the same reasons described above with respect to claim 15, the Applicants respectfully request that the rejection of claim 10 and all claims depending therefrom (11-14) be overturned.

Independent claim 17 recites “determining at each of the predetermined times for each of the risks one of a probability that the risk will occur during a predetermined period of time and a frequency at which the risk will occur” and “determining at each of the predetermined times for each of the opportunities one of a probability that the opportunity will occur during a predetermined period of time and a frequency at which the opportunity will occur.” Thus, for the same reasons described above with respect to claim 15, the Applicants respectfully request that the rejection of claim 17 and all claims depending therefrom (18-20) be overturned.

E. Daniell Does Not Project the Future Condition of the Business Entity at Predetermined Times as Recited in Claim 15.

The Examiner contends that it would have been “obvious to one of ordinary skill in the art to adapt Daniell to expressly perform the step of projecting at each of the predetermined times the future condition of the business entity.” (*See 7/14/2006 Final Office Action*, p. 7). This is contrary to the express statements in Daniell. Daniell discusses that the assessment of risks and opportunities at “any given time is very difficult to predict” and that “[b]road analytical techniques can be applied to yield useful, if not perfect, comparisons...” (*See Id.*, ¶¶ 16-17). Daniell expresses that risk evaluations at any given time is “very difficult” as compared to evaluating risk over a broader time period. (*See Id.* ¶ 16). Thus, Daniell teaches an analysis of risks and opportunities over a broad time period, but does not identify, evaluate, or otherwise analyze risks and opportunities at individualized times. Additionally, the strategy put forth by Daniell proposes a business solution based on net risk and net opportunity assessments. (*See Id.* ¶¶ 27, 35). Thus, rather than make individualized assessments of each risk and each opportunity at predetermined times, Daniell suggests an overall assessment of the four elements for risk calculation combined with a static overall assessment of the four elements for opportunity calculation. (*See Id.* ¶ 35). Thus, Applicants respectfully submit that Daniell’s static assessment of risk and opportunity over a broad time period neither teaches nor suggests “projecting at each of the predetermined times the future condition of the business entity” as recited in claim 15. Independent claims 10 and 17 include similar recitations and are therefore allowable for at least the same reasons.

F. The Examiner’s Other Official Notices are Rendered Moot because Applicants Adequately Traversed the Examiner’s First Assumption on which all Subsequent Official Notices are Premised.

The Examiner contends that the Applicants have not traversed all the Examiner’s other assertions of Official Notice in relation to claims 15 and 16 and that the remaining statements are admitted prior art under MPEP § 2144.03(C). (*See 7/14/06 Final Office Action*, pp. 3-4). The Examiner first attempted to take Official Notice that it is old and well known in

the art of financial risk management to calculate risk and opportunity in terms of monetary value and impact in a previous Non-Final Office Action. (*See 1/11/06 Office Action*, p. 4). Based on this assumption (hereinafter the "primary assumption"), the Examiner further contended that one of ordinary skill in the art at the time of Applicant's invention could adapt Daniell to project the future condition of a business entity at each of the predetermined times based on a monetary value of each of the risks *and opportunities*. (*See Id.*, p. 5). Thereafter, the Examiner constructed additional Official Notices relying entirely on the veracity of the primary assumption. (*See Id.*, pp. 5-6). Applicants adequately and specifically traversed these subsequent Official Notices by identifying that the faulty primary assumption produced a faulty "logical leap." (*See 4/11/06 Response*, p. 11).


Applicants respectfully submit that the Examiner's other Official Notices subsequently premised on the Examiner's faulty primary assumption were adequately traversed in the 4/11/06 Response because the Applicants had adequately traversed and disproved the primary assumption (the first faulty Official Notice) as discussed above. Therefore, the subsequent Official Notices are rendered improper and would not be established as admitted prior art under MPEP §2144.03(C). Thus, Applicants renew their objection to the Examiner's use of Official Notice without sufficiently supporting the contention and meeting the requisite burden of proof under MPEP § 2144.03 (C).

8. Conclusions

For the reasons set forth above, Appellants respectfully request that the Board reverse the final rejection of the claim by the Examiner under 35 U.S.C. § 103(a), and indicate that claims 2-20 are allowable.

Respectfully submitted,

Date: January 9, 2007

By:   
Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276

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CLAIMS APPENDIX

1. (Canceled)
2. (Rejected) The computer-readable storage medium according to claim 15, wherein the monetary value is determined by a multiplication of the potential monetary impact by the corresponding one of frequency and probability.
3. (Rejected) The computer-readable storage medium according to claim 15, wherein the set of instructions performs the step of:  
reporting each of the risks and opportunities to management of the business entity.
4. (Rejected) The computer-readable storage medium according to claim 15, wherein the set of instructions performs the steps of:  
handling at least one of the risks to decrease the probability that the at least one risk will occur; and  
handling at least one of the opportunities to increase the probability that the at least one opportunity will occur.
5. (Rejected) The computer-readable storage medium according to claim 15, wherein one of a checklist and a questionnaire identifies one of the risks and the opportunities.
6. (Rejected) The computer-readable storage medium according to claim 15, wherein the set of instructions performs the step of:  
identifying a root cause for one of the risks and the opportunities.
7. (Rejected) The computer-readable storage medium according to claim 15, wherein the predetermined times include one of a month and a week.

8. (Rejected) The computer-readable storage medium according to claim 2, wherein the set of instructions performs the step of:

ranking each risk based on a result of the multiplication of the potential monetary impact of each risk by the corresponding one of frequency and probability for the risk.

9. (Rejected) The computer-readable storage medium according to claim 15, wherein the set of instructions performs the step of:

comparing a previously projected future condition to an actual condition at a time corresponding to the previously projected future condition to determine an accuracy of the projected future condition.

10. (Rejected) A system, comprising:

a first storage means for receiving and storing data at predetermined times, wherein the data corresponds to a plurality of risks and a plurality of opportunities for the business entity;

a second storage means for receiving and storing data at each of the predetermined times, wherein the data corresponds to a potential monetary impact on the future condition of the business entity of each of the risks and opportunities stored in the first storage means;

a first input means for receiving at each of the predetermined times, for each opportunity stored in the first storage means, data corresponding to one of a probability that the opportunity will occur during a predetermined period of time and a frequency at which the opportunity will occur;

a second input means for receiving at each of the predetermined times, for each risk stored in the first storage means, data corresponding to one of a probability that the risk will occur during a predetermined period of time and a frequency at which the risk will occur; and

a calculation means for projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities stored in the first storage means, wherein the monetary value is a function



of the potential monetary impact and the one of frequency and probability for each of the risks and opportunities from the first and second input means.

11. (Rejected) The system according to claim 10, wherein the calculation means projects the monetary value for the future condition of the business entity based on a multiplication of the potential monetary impact of each of the risks and opportunities stored in the first storage means by the corresponding one of frequency and probability.

12. (Rejected) The system according to claim 11, wherein risks having monetary values below a threshold are accepted.

13. (Rejected) The software system according to claim 10, further comprising:  
a handling means for including risk handling measures to decrease the probability that at least one risk will occur.

14. (Rejected) The system according to claim 10, further comprising:  
an assessment means for determining if at least two risks affect one future condition.

15. (Rejected) A computer-readable storage medium storing a set of instructions, the set of instructions capable of being executed by a processor to project a future condition of a business entity, the set of instructions performing the steps of:

identifying a plurality of risks and a plurality of opportunities for the business entity;

evaluating at predetermined times a potential monetary impact of each of the risks and each of the opportunities on the future condition of the business entity;

determining at each of the predetermined times for each of the risks, one of a probability that the risk will occur during a predetermined period of time and a frequency at which the risk will occur;

determining at each of the predetermined times for each of the opportunities, one of a probability that the opportunity will occur during a predetermined period of time and a frequency at which the opportunity will occur;

projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities, wherein the monetary value for each of the risks and opportunities is determined based on the potential monetary impact and the corresponding one of frequency and probability.

16. (Rejected) The computer-readable storage medium according to claim 15, wherein the potential monetary impact is a function of one of earnings before interest and taxes ("EBIT"), operating cost savings and market share gains.

17. (Rejected) A computer-readable storage medium storing a set of instructions, the set of instructions capable of being executed by a processor to project a future condition of a business entity, the set of instructions performing the steps of:

evaluating at predetermined times a potential monetary impact of each of the risks and each of the opportunities on the future condition of the business entity;

determining at each of the predetermined times for each of the risks one of a probability that the risk will occur during a predetermined period of time and a frequency at which the risk will occur;

determining at each of the predetermined times for each of the opportunities one of a probability that the opportunity will occur during a predetermined period of time and a frequency at which the opportunity will occur; and

projecting at each of the predetermined times the future condition of the business entity based on a monetary value of each of the risks and opportunities, wherein the monetary value for each of the risks and opportunities is determined based on the potential monetary impact and the corresponding one of frequency and probability.

18. (Rejected) The computer-readable storage medium according to claim 17, wherein the monetary value is determined by a multiplication of the potential monetary impact by the corresponding one of frequency and probability.

19. (Rejected) The computer-readable storage medium according to claim 17, wherein the set of instructions performs the step of:  
providing measures to decrease the probability that at least one risk will occur.
20. (Rejected) The computer-readable storage medium according to claim 17, wherein the set of instructions performs the step of:  
providing measures to increase the probability that at least one opportunity will occur.

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**EVIDENCE APPENDIX**

No evidence has been entered or relied upon in the present appeal.

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RELATED PROCEEDING APPENDIX

No decisions have been rendered regarding the present appeal or any proceedings related thereto.